

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the matter of)	
)	
Raceway Petroleum, Inc.,)	
Ellada Petroleum, Inc.,)	Docket Nos. RCRA-02-2000-7504
Atlantis Petroleum, Inc.,)	RCRA-02-2000-7505
Nicholas Kambitsis,)	
Hilltop Service, Inc., and)	
Poseidon Petroleum, Inc.)	
)	
Respondents)	

ORDER

The United States Environmental Protection Agency (“EPA”) has requested that official notice be taken of New Jersey Administrative Code § 7:14B-6.7(f) (1997) and New Jersey Administrative Code § 7:14B-6.6 (1992).¹ Respondents oppose this request arguing (1) that the New Jersey Administrative Code has no relevance to this case. and (2) that the court has already denied the admission of this Code into evidence. For the reasons set forth below, EPA’s request for official notice is *granted*.

In arguing that there has been a ruling against the admission of the New Jersey Administrative Code into evidence, respondents are wrong. EPA’s initial attempt at having official notice taken of this Code failed at hearing only because the complainant did not take the appropriate procedural steps in seeking the admission of this document. Tr. 1165. There was no adverse evidentiary ruling as respondents represent was the case. *See* Resp. Opp. at 7.

The issue regarding the weight to be accorded to the Code, however, is a different matter. The extent to which the offered sections of the New Jersey Code have a bearing upon the outcome of this case remains to be seen.

¹ EPA represents that these Code sections set forth state record keeping requirements applicable to owners and operators of Underground Storage Tank systems.

Accordingly, official notice is taken of New Jersey Administrative Code § 7:14B-6.7(f) (1997) and § 7:14B-6.6 (1992).

A handwritten signature in cursive script that reads "Carl C. Charneski". The signature is written in black ink and is positioned above a horizontal line.

Carl C. Charneski
Administrative Law Judge

Issued: July 2, 2001
Washington, D. C.